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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

09/421,590

Filing Date

October 20, 1999

First Named Inventor

Andrew Dugan et al.

Group Art Unit

2458

Examiner Name

April L. Baugh

Attorney Docket Number

COS98021

**ENCLOSURES (check all that apply)**

- Fee Transmittal Form
- Fee Attached
- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) \_\_\_\_\_

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

Petition for Consideration of Previously Filed Petition under 37 CFR 1.47(a);  
Copy of Petition for Filing by other than all Inventors under 37 CFR 1.47(a) and MPEP 409.03(a);  
Copy of Declaration;  
Copy of Assignment;  
Copy of Affidavit of Albert M. Crowde, J. ESQ.;  
Return Postcard

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm  
or  
Individual name

David J. O'Neill Reg. 42,953  
WorldCom, Inc.

Signature

Date

10/16/02

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **10/17/02**

Typed or printed name

Tracy Goodwin

Signature

Date

OCTOBER 17, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



COS98021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Andrew Dugan et al.

Serial No.: 09/421,590

Filed: October 20, 1999

Title: METHOD AND APPARATUS FOR  
DEPLOYING SERVICE MODULES  
AMONG SERVICE NODES  
DISTRIBUTED IN AN INTELLIGENT  
NETWORK

Confirmation No.: 4368

Group Art Unit: 2158

Examiner: April L. Baugh

**REQUEST FOR CONSIDERATION OF PREVIOUSLY FILED PETITION UNDER 37 C.F.R**  
**§1.47(a)**

Commissioner for Patents  
Washington, DC 20231

Sir:

Applicants respectfully request consideration of the previously filed Petition For Filing By Other Than All Inventors Under 37 C.F.R §1.47(a) and M.P.E.P §409.03(a) filed on February 14, 2000.

Enclosed please find a copy of the Petition For Filing By Other Than All Inventors Under 37 C.F.R §1.47(a) and M.P.E.P §409.03(a) along with a copy of the Declaration, executed by Ajay P. Deo on February 4, 2000; Andrew Dugan on February 4, 2000; Kevin R. Porter on February 3, 2000; and Terence A. Robb on February 2, 2000, a copy of the Assignment, and a copy of the Affidavit for Albert M. Crowder with a Certificate of Mailing dated February 14, 2000.

Respectfully submitted,

David J. O'Neill  
Reg. No. 42,953

WorldCom, Inc.  
1133 19<sup>th</sup> Street NW  
10<sup>th</sup> Floor  
Washington, DC 20036  
Tel: (202) 736-6651  
Fax: (202) 736-6382

Enclosures

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Serial No.: 09/421,590

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

#B

In Re Application of:

DUGAN et al

Serial No. 09/421,590

Filed: October 20, 1999

Art Unit: 2756

Examiner: Not Assigned

Attorney Docket: COS-98-021

**FOR: METHOD AND SYSTEM FOR DEPLOYING SERVICE MODULES AMONG  
SERVICE NODES IN AN INTELLIGENT NETWORK**

**PETITION FOR FILING BY OTHER THAN ALL INVENTORS  
UNDER 37 C.F.R. §1.47(a) AND M.P.E.P. §409.03(a)**

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OCT 23 2002

OFFICE OF PETITIONS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**I. Statement of Precise Relief Requested**

The Applicant requests that the Commissioner not abandon the above-cited application for failure to file an inventor's declaration by all the inventors and accepts this application as a filing by other than all of the inventors.

**II. Background of this Petition**

1. Ajay Deo, Andrew Dugan, Allen Holmes, Kelvin Porter, and Terence Robb are joint inventors of the above identified patent application. (¶2, Affidavit of Albert M. Crowder.) The subject matter of the patent application was assigned to the assignee by Ajay Deo, Andrew Dugan, Kelvin Porter, and Terence Robb per the attached Assignment. (¶5, Affidavit of Albert M. Crowder and Exhibit A). No Assignment or Declaration has been received from Allen Holmes since, as hereinafter discussed, he refuses to join in the application.

2. I am a Patent Attorney responsible for preparing and filing the patent application, Declarations and Assignments related to the above-identified patent application. (¶1, Affidavit of Albert M. Crowder.) In September, 1999, Declaration and Assignment papers were mailed to Mr. Holmes as well as the other joint inventors for signing. Mr. Holmes informed MCI WorldCom that he refused to join in the application. In the hopes that he had had a change in his position, I mailed a reminder letter, including copies of the Declaration and Assignment papers via overnight delivery service to his current address at 5375 Chambrey Court, Colorado Springs, Colorado 80919, in February 2000. Mr. Holmes has declined to reply (¶4, Affidavit of Albert M. Crowder).

3. The last known and supposed current address for Mr. Holmes is: 5375 Chambrey Court, Colorado Springs, Colorado 80919, in February 2000. (¶4, Affidavit of Albert M. Crowder).

**III. Discussion of Applicable Law**

1. 37 C.F.R. §1.47(a) and M.P.E.P. §409.03(a) set out the applicable laws regarding the filing of a patent application by other than all the inventors. In particular, these sections address the situation when one joint inventor refuses to execute a Declaration. Under the sections:

...all available joint inventors [are required] to file an application "on behalf of" themselves and on behalf of a joint inventor...who refuses to "join in an application."

...an application deposited in the Patent and Trademark Office pursuant to 37 C.F.R. 1.47(a) must meet the following requirements:

(1) All the available joint inventors must

(I) make oath or declaration on their own behalf...and  
 (ii) make oath or declaration on behalf of the non-signing joint inventor as required by 37 C.F.R. 1.64. >An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor(s)...<

(2) The application must be accompanied by proof that the non-signing inventor  
 ...(ii) refuses to execute the application papers...

(3) the last known address of the non-signing joint inventor must be stated...(M.P.E.P. §409.03(a))

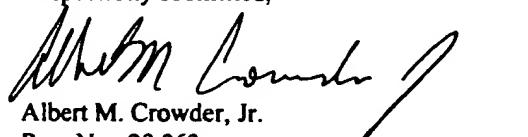
2. As set out above, the requirements of the applicable law have been met. Attached herewith are: an executed oath and Declaration by all the available joint inventors with the signature block of Mr. Holmes left blank; and the affidavit of Albert M. Crowder stating that Mr. Holmes refuses to execute the application papers. Finally, the last known address of Mr. Holmes is stated above (¶3, Background of this Petition).

#### IV. Summary

For the foregoing reasons, it is submitted and respectfully requested that this petition for Filing by Other Than All the Inventors should be granted.

A duplicate copy of this Petition is enclosed.

Respectfully submitted,



Albert M. Crowder, Jr.  
Reg. No. 28,063

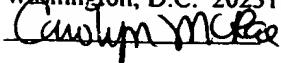
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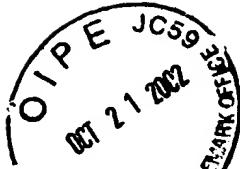
MCI WorldCom, Inc.  
1133 19<sup>th</sup> Street NW  
Washington, D.C. 20036  
(719) 535-3275

#### MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(a)

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents,  
Washington, D.C. 20231 on 2-14-00





**DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Method and Apparatus for Deploying Service Modules Among Service Nodes Distributed in an Intelligent Network**

the specification of which

- is attached hereto
- was filed on 10/20/99 as Application Serial No. 09/421,590 and was amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof of more than one year prior to this application, and said invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

(number)	(country)	(date filed)
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Priority Claimed

yes     no

(number)	(country)	(date filed)
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yes     no

Patent Docket No.:

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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

(Application Number(s))	(Filing Date mm/yy)
60/061,173	10/6/97
60/104,890	10/20/98

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or Section 365(c) of any PCT international application designating the United States of America, listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)	(Filing date)	(Status)
09/128,937	8/5/98	Pending

I hereby appoint Timothy D. Cascy, Reg. No. 33,124; Albert M. Crowder, Jr., Reg. No. 28,063; Jubin Dana, Reg. No. 41,400; Carl Evens, Reg. No. 33,874; Deborah Miller, Reg. No. 37,679; Stephen Penlicki, Reg. No. 40,125; Craig L. Plastrik, Reg. No. 41,254; Paul A. Roberts, Reg. No. 40,289; and Jessica Young, Reg. No. 39,884 my attorneys and Sathesh Karra, Reg. No. 40,246 my patent agent with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Send correspondence to:  
Technology Law Department  
MCI WORLDCOM, Inc.  
1133 19<sup>th</sup> STREET NW  
WASHINGTON, D.C. 20036

Direct Telephone Calls To:  
(719) 535-1451

I hereby declare that all statements made herein of my knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Sole or First Inventor: Ajay P. Deo  
P.O./Residence Address: 2508 Sir Tristram Lane, Lewisville, Texas 75056  
Citizenship: India

Signature: Ajay Deo Date: 2/9/2000

Full name of Additional Joint Inventor, if any: Andrew Dugan  
P.O./Residence Address: 1855 Eldorado Circle, Superior, Colorado, 80027-8279  
Citizenship: USA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of Additional Joint Inventor, if any: Allen Holmes  
P.O./Residence Address: 5375 Chambrey Drive, Colorado Springs, Colorado 80919  
Citizenship: USA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Patent Docket No.: \_\_\_\_\_

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

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(Application Serial No.)	(Filing date)	(Status)
09/128,937	8/5/98	Pending

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Full name of Sole or First Inventor: Ajay P. Deo  
P.O/Residence Address: 2508 Sir Tristram Lane, Lewisville, Texas 75056  
Citizenship: India

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of Additional Joint Inventor, if any: Andrew Dugan  
P.O/Residence Address: 1855 Eldorado Circle, Superior, Colorado, 80027-8279  
Citizenship: USA

Signature: Ajay Deo Date: 2/4/02

Full name of Additional Joint Inventor, if any: Allen Holmes  
P.O/Residence Address: 5375 Chambrey Drive, Colorado Springs, Colorado 80919  
Citizenship: USA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Patent Docket No.:



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Full name of Additional Joint Inventor, if any: Kelvin R. Porter  
P.O/Residence Address: 17319 Calla Drive, Dallas, Texas 75252  
Citizenship: USA

Signature: Kelvin R. Porter Date: February 3<sup>rd</sup>, 2000

Full name of Additional Joint Inventor, if any: Terence A. Robb  
P.O/Residence Address: 223 Chatham Drive, Colorado Springs, Colorado 80906  
Citizenship: USA

Signature: T. A. Robb Date: 2/2/00

Full name of Additional Joint Inventor, if any:  
P.O/Residence Address:  
Citizenship:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of Additional Joint Inventor, if any:  
P.O/Residence Address:  
Citizenship:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of Additional Joint Inventor, if any:  
P.O/Residence Address:  
Citizenship:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of Additional Joint Inventor, if any:  
P.O/Residence Address:  
Citizenship:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



XHIBIT A - 1

Docket No.: COS-98-021

## ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, I/We, the undersigned, do hereby sell, assign, and transfer to: MCI WORLDCOM, Inc., a corporation of Georgia, having offices at 515 East Amite Street, Jackson, MS 39201, ("Assignee"), its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are described in the application for United States Letters Patents.

- Which has been executed by the undersigned concurrently herewith.  
 Which was filed on 10/20/99 and assigned Serial No. 09/421,590  
and is entitled:

**Method and Apparatus for Deploying Service Modules Among Service Nodes  
Distributed in an Intelligent Network**

and in to said application and all divisional, continuing, substitute, renewal, reissue, and all other application for Letters Patents which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and foreign countries on said improvements, and in and to all rights of priority resulting from the filing of said United States application; and

Agree that said Assignee may apply for and receive Letters Patent for improvements in its own name; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent application on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements; and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Signature: Ajay P. Dey  
Ajay P. Dey

Date: 2/4/2000

Signature: Andrew Dugan  
Andrew Dugan

Date: \_\_\_\_\_

Signature: Allen Holmes  
Allen Holmes

Date: \_\_\_\_\_

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OCT 23 2002

OFFICE OF PETITIONS

**ASSIGNMENT**

For good and valuable consideration, the receipt of which is hereby acknowledged, I/We, the undersigned, do hereby sell, assign, and transfer to: MCI WORLDCOM, Inc., a corporation of Georgia, having offices at 515 East Amite Street, Jackson, MS 39201, ("Assignee"), its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are described in the application for United States Letters Patents,

- Which has been executed by the undersigned concurrently herewith.  
 Which was filed on 10/20/99 and assigned Serial No. 09/421,590

and is entitled:

**Method and Apparatus for Deploying Service Modules Among Service Nodes  
Distributed in an Intelligent Network**

and in to said application and all divisional, continuing, substitute, renewal, reissue, and all other application for Letters Patents which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and foreign countries on said improvements, and in and to all rights of priority resulting from the filing of said United States application; and

Agree that said Assignee may apply for and receive Letters Patent for improvements in its own name; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent application on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to undersigned relating to said improvements and the history thereof, and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

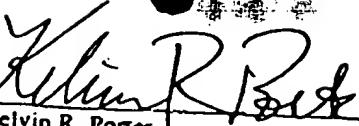
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Ajay P. Deo

Signature: Andrew J. Dugan Date: 2/4/00  
Andrew Dugan

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Allen Holmes

Page 2

Signature:

  
Kelvin R. Porter

Date:

February 3, 2000

Signature:

  
Terence A. Robb

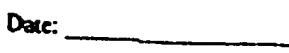
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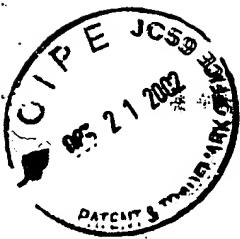
2/2/00

Signature:



Date:





Serial No. 09/421,590

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In Re Application of:

**DUGAN et al**

Serial No. 09/421,590

Filed: October 20, 1999

Art Unit: 2756

Examiner: Not Assigned

Attorney Docket: COS-98-021

**FOR: METHOD AND SYSTEM FOR DEPLOYING SERVICE MODULES AMONG  
SERVICE NODES IN AN INTELLIGENT NETWORK**

**AFFIDAVIT OF ALBERT M. CROWDER, JR., ESO.**

**RECEIVED**

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

OCT 23 2002

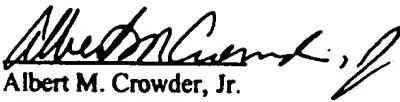
**OFFICE OF PETITIONS**

Dear Sir:

1. I am employed as an Associate Technology Counsel by MCI WorldCom, Inc. (MCI). I am responsible for preparing and filing the above mentioned patent application along with the related declarations and assignments.
2. Ajay Deo, Andrew Dugan, Allen Holmes, Kelvin Porter, and Terence Robb are inventors of the above identified patent application.
3. When contacted regarding execution of the declaration and assignment relating to the above-identified application, Mr. Holmes refused to join in the application and refuses to join in the application to the present time.
4. Due diligence was exerted in trying to obtain the signatures of Mr. Holmes on the assignment and declaration papers. In September, 1999, the above identified patent application, and related declaration and assignment to Mr. Holmes was delivered to his last known addresses at: 5375 Chambrey Court, Colorado Springs, Colorado 80919. I mailed, via overnight delivery, a reminder letter, including copies of the Declaration and Assignment, in February, 1999. Mr. Holmes has steadfastly refused to reply to our requests.
5. MCI believes that it is entitled to file the present application because Mr. Deo, Mr. Dugan, Mr. Porter, and Mr. Robb, co-inventors with Mr. Holmes, have assigned their rights as evidenced by the attached Assignment, Exhibit A. The present patent application will be abandoned by the Patent Office if this affidavit and accompanying petition for filing by other than all inventors is not allowed. It is therefore necessary to petition the United States Patent Office to accept filing of this patent application by other than

all inventors in order to protect MCI's rights in the present invention and to prevent irreparable damage to MCI.

2-11-00  
DATE

  
Albert M. Crowder, Jr.  
Attorney for MCI  
Reg. No. 28,063

**MAILING CERTIFICATE UNDER 37 C.F.R.  
§1.8(a)d**

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents,

Washington, D.C. 20231 on 2-14-00

Cawlyn McRae